

**Department of Community Planning and Economic Development – Planning Division**  
Variance  
BZZ-5737

**Date:** September 27, 2012

**Applicant:** U+B Architecture and Design, Inc.

**Addresses of Property:** 3133 East Calhoun Parkway

**Contact Person and Phone:** Paul Udris, (612) 616-1915

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** September 4, 2012

**End of 60-Day Decision Period:** November 3, 2012

**Ward:** 10      **Neighborhood Organization:** East Calhoun Community Organization

**Existing Zoning:** R1A Single -Family District and SH Shoreland Overlay District

**Zoning Plate Number:** 24

**Legal Description:** Not applicable for this application

**Proposed Use:** Two-story addition to an existing single-family dwelling

**Variance:** to reduce the required north interior side yard from 5 feet to 3 feet to allow for a two-story addition to an existing single-family dwelling.

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, Section 525.520 (1) “To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”.

**Background:** The subject property is approximately 47.5 feet by 156 feet, on average, (7,133 square feet) and the property includes a single-family dwelling with a detached garage on an interior lot. The dwelling was permitted for construction in 1898 and a two-story addition and porch were added in 1911. There is an existing 5.7 foot by 8.7 foot, two-story addition at the rear of the dwelling. The applicant is proposing to remove the existing rear addition and construct a new 12.25 foot by 15 foot, two-story addition to the rear of the dwelling. The existing dwelling is located approximately 2 feet 6 inches from the north property line. The applicant is proposing to construct the rear addition 3 feet from the north interior property line. The minimum interior side yard setback in the R1A District is 5 feet. Therefore, the applicant is requesting a variance to allow for the proposed 2-story addition 3 feet from the north interior property line.

Staff has received comments from the East Calhoun Community Organization; a copy of their letter is attached to the staff report. Staff will forward additional comments, if any are received, to the Board of Adjustment at the public hearing.

**Findings Required by the Minneapolis Zoning Code:**

**VARIANCE:** to reduce the required north interior side yard from 5 feet to 3 feet to allow for a two-story addition to the rear of the existing single-family dwelling

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Staff does not find that unique circumstances exist on the property, in this case, that would create practical difficulties in complying with the ordinance. The dwelling was constructed in its present location, approximately 2 feet 6 inches from the north property line in 1898. The applicant is proposing to remove an existing 50 square foot, 2-story rear addition, and add a 184 square foot, 2-story rear addition 3 feet from the north property line. Upon review of the floor plan, staff finds that there are alternative locations on the property to allow for an addition to the existing structure that would not require a variance.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The applicant is seeking a variance to reduce the required north interior side yard setback from 5 feet to 3 feet for the proposed 2-story addition to the existing single-family dwelling. The dwelling was built in 1898 in its present location. A two-story addition and porch were added in 1911. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by governing the location of accessory uses and structures. The proposed addition will be constructed to the rear of the principal structure and will be located approximately 20 feet from the neighboring structure to the north. Staff believes that the applicant is proposing to use the property in a reasonable manner.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

**Addition:** Staff believes that the granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The proposed addition is to the rear of the existing dwelling and will have exterior materials that complement the existing dwelling. The applicant is proposing to stucco the addition and add a roof that would match the existing dwelling. Finally, granting of the variance will not be detrimental to the health, safety, or

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welfare of the general public or of those utilizing the property or nearby properties, as long as it is constructed to current building codes.

**Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:**

**1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

Staff is recommending that the applicant use best management practices during and after construction to help prevent soil erosion. There are no existing steep slopes on or near the subject property. Therefore, the subject site will not be significantly altered to adversely affect the water quality of Lake Calhoun.

**2. Limiting the visibility of structures and other development from protected waters.**

The proposed addition will most likely not be visible from Lake Calhoun and the proposed addition will not be out of character with the surrounding developed properties.

**3. The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.**

The subject site does not have direct access to Lake Calhoun. The proposed project will not require the accommodation of any watercraft of any type on the lake.

**Recommendation of the Department of Community Planning and Economic Development - Planning Division:**

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **deny** the variance to reduce the required north interior side yard setback from 5 feet to approximately 3 feet to allow for the construction of a rear addition to an existing single-family dwelling located at 3133 East Lake Calhoun Parkway in the R1A Single-Family District and SH Shoreland Overlay District.

**Attachments:**

1. Written descriptions and findings submitted by the applicant
2. August 21, 2012, e-mails to Council Member Tuthill and ECCO
3. Correspondence
4. Zoning map

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5. Survey
6. Site plan
7. Floor plans
8. Elevations
9. Photos
10. Oblique and aerial photos